

**ASSEMBLY BILL**

**No. 483**

**Introduced by Assembly Member Floyd**

February 24, 1997

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An act to amend Sections 27802 and 40000.15 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 483, as introduced, Floyd. Motorcycle helmets: misdemeanor.

(1) Existing law makes it an infraction for any person to sell, or offer for sale, for use by a driver or passenger of a motorcycle or motorized bicycle any safety helmet which is not of a type meeting requirements established by the Department of the California Highway Patrol, including certain federal safety standards.

This bill would include manufacture of the described safety helmet within the above prohibited activities and would make a violation of the above, as revised, a misdemeanor, rather than an infraction. The bill would make conforming changes. Because the bill would impose increased duties on local criminal justice systems, the bill would create a state-mandated local program.

This bill would also make it a crime, thereby imposing a state-mandated local program, for any person to manufacture, sell, or advertise the sale of, a helmet that does not meet the requirements established by the department without complying with certain labelling and disclosure requirements.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27802 of the Vehicle Code is  
2 amended to read:

3 27802. (a) The department may adopt reasonable  
4 regulations establishing specifications and standards for  
5 safety helmets offered for sale, or sold, for use by drivers  
6 and passengers of motorcycles, *motor-driven cycle*, and  
7 motorized bicycles as it determines are necessary for the  
8 safety of those drivers and passengers. The regulations  
9 shall include, but are not limited to, the requirements  
10 imposed by Federal Motor Vehicle Safety Standard No.  
11 218 (49 C.F.R. Sec. 571.218) and may include compliance  
12 with that federal standard by incorporation of its  
13 requirements by reference. Each helmet sold or offered  
14 for sale for use by drivers and passengers of motorcycles  
15 and motorized bicycles shall be conspicuously labeled in  
16 accordance with the federal standard which shall  
17 constitute the manufacturer's certification that the  
18 helmet conforms to the applicable federal motor vehicle  
19 safety standards.

20 (b) No person shall *manufacture*, sell, or offer for sale,  
21 for use by a driver or passenger of a motorcycle,  
22 *motor-driven cycle*, or motorized bicycle any safety  
23 helmet which is not of a type meeting requirements  
24 established by the department.

25 (c) (1) *A helmet that does not meet the requirements*  
26 *established by the department shall be labeled*  
27 *permanently and legibly, in a manner that can be read*  
28 *easily, with letters at least three-eighths of an inch (1 cm.)*  
29 *high, in a color that contrasts with the background of the*

1 *helmet, reading: "This Helmet Does Not Comply with*  
2 *Federal and State Safety Laws."* *This message shall be*  
3 *printed on the outside of the helmet and no person shall*  
4 *modify or cover the message.*

5 (2) *Any person who manufactures, sells, or advertises*  
6 *the sale of, a helmet described in paragraph (1) shall*  
7 *comply with paragraph (1) and shall disclose to the*  
8 *purchaser or in the advertisement that the helmet does*  
9 *not comply with federal and state safety laws.*

10 (d) *A violation of this section is a misdemeanor.*

11 SEC. 2. Section 40000.15 of the Vehicle Code is  
12 amended to read:

13 40000.15. A violation of any of the following provisions  
14 shall constitute a misdemeanor, and not an infraction:

15 Sections 23103 and 23104, relating to reckless driving.

16 Section 23109, relating to speed contests or exhibitions.

17 Section 23110, subdivision (a), relating to throwing at  
18 vehicles.

19 Section 23152, relating to driving under the influence.

20 Subdivision (b) of Section 23222, relating to possession  
21 of marijuana.

22 Subdivision (a) or (b) of Section 23224, relating to  
23 persons under 21 years of age knowingly driving, or being  
24 a passenger in, a motor vehicle carrying any alcoholic  
25 beverage.

26 Sections 23237 and 23244, relating to ignition interlock  
27 devices.

28 Section 23253, relating to officers on vehicular  
29 crossings.

30 Section 23332, relating to trespassing.

31 Section 24011.3, relating to vehicle bumper strength  
32 notices.

33 Section 27150.1, relating to sale of exhaust systems.

34 Section 27362, relating to child passenger seat  
35 restraints.

36 *Section 27802, relating to motorcycle helmets.*

37 Section 28050, relating to true mileage driven.

38 Section 28050.5, relating to nonfunctional odometers.

39 Section 28051, relating to resetting odometer.

40 Section 28051.5, relating to device to reset odometer.

1 SEC. 3. No reimbursement is required by this act  
2 pursuant to Section 6 of Article XIII B of the California  
3 Constitution because the only costs that may be incurred  
4 by a local agency or school district will be incurred  
5 because this act creates a new crime or infraction,  
6 eliminates a crime or infraction, or changes the penalty  
7 for a crime or infraction, within the meaning of Section  
8 17556 of the Government Code, or changes the definition  
9 of a crime within the meaning of Section 6 of Article  
10 XIII B of the California Constitution.

11 Notwithstanding Section 17580 of the Government  
12 Code, unless otherwise specified, the provisions of this act  
13 shall become operative on the same date that the act  
14 takes effect pursuant to the California Constitution.

